

1 Lawrence J. Gornick (SBN 136290)  
2 Debra DeCarli (SBN 237642)  
2 **LEVIN SIMES KAISER & GORNICK LLP**  
3 44 Montgomery Street, 36<sup>th</sup> Floor  
4 San Francisco, CA 94104  
5 Telephone: (415) 646-7160  
5 Fax: (415) 981-1270  
5 lgornick@lskg-law.com  
5 ddecarli@lskg-law.com

6 Attorneys for Plaintiffs

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 CAROL MOORHOUSE and JAMES  
10 MOORHOUSE,

11 Plaintiffs,

12 vs.

13 BAYER HEALTHCARE  
14 PHARMACEUTICALS, INC.; BAYER  
15 HEALTHCARE LLC; GENERAL ELECTRIC  
16 COMPANY; GE HEALTHCARE, INC.;  
17 COVIDIEN, INC.; MALLINCKRODT, INC.;  
18 BRACCO DIAGNOSTICS, INC.; McKESSON  
19 CORPORATION; MERRY X-RAY  
20 CHEMICAL CORP.; and DOES 1 through 35

21 Defendants.

Case No: 3:08-cv-1831 EMC

(San Francisco County Superior Court,  
Case No.: CGC-08-472978)

22 **DECLINATION TO PROCEED BEFORE A  
23 MAGISTRATE JUDGE AND REQUEST  
24 FOR REASSIGNMENT TO A UNITED  
25 STATES DISTRICT JUDGE**

26 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE.

27 The undersigned party hereby declines to consent to the assignment of this case to a United  
28 States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a  
United States District Judge.

Respectfully submitted this 9<sup>th</sup> day of April 2008.

LEVIN SIMES KAISER & GORNICK LLP

25 By: s/Debra DeCarli  
26 Debra DeCarli, Esq.

Lawrence J. Gornick (SBN 136290)  
Debra DeCarli (SBN 237642)  
**LEVIN SIMES KAISER & GORNICK LLP**  
44 Montgomery Street, 36<sup>th</sup> Floor  
San Francisco, CA 94104  
Telephone: (415) 646-7160  
Fax: (415) 981-1270  
[lgornick@lskg-law.com](mailto:lgornick@lskg-law.com)  
[ddecarli@lskg-law.com](mailto:ddecarli@lskg-law.com)

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CAROL MOORHOUSE and JAMES  
MOORHOUSE,

Case No: 3:08-cv-1831 EMC

**(San Francisco County Superior Court,  
Case No.: CGC-08-472978)**

Plaintiffs,

vs.

BAYER HEALTHCARE  
PHARMACEUTICALS, INC.; BAYER  
HEALTHCARE LLC; GENERAL ELECTRIC  
COMPANY; GE HEALTHCARE, INC.;  
COVIDIEN, INC.; MALLINCKRODT, INC.;  
BRACCO DIAGNOSTICS, INC.; McKESSON  
CORPORATION; MERRY X-RAY  
CHEMICAL CORP.; and DOES 1 through 35

**PROOF OF SERVICE OF DECLINATION  
TO PROCEED BEFORE A MAGISTRATE  
JUDGE AND REQUEST FOR  
REASSIGNMENT TO A UNITED STATES  
DISTRICT JUDGE**

### Defendants.

I certify that I am over the age of 18 years and not a party to the within action; that my business address is 44 Montgomery Street, 36<sup>th</sup> Floor, San Francisco, CA 94104; and that on this date I served a true copy of the document(s) entitled:

Service was effectuated by forwarding the above-noted document in the following manner:

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST  
FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

1                   **By Regular Mail** in a sealed envelope, addressed as noted above, with postage fully  
2 prepaid and placing it for collection and mailing following the ordinary business practices of Levin  
Simes Kaiser & Gornick.

3                   **By Electronic Mail**

4                   **By Hand Delivery** in a sealed envelope, addressed as noted above, through services  
5 provided by the office of Levin Simes Kaiser & Gornick.

6                   **By Facsimile** to the numbers as noted below by placing it for facsimile transmittal  
7 following the ordinary business practices of Levin Simes Kaiser & Gornick.

8                   **XX By Overnight Courier** in a sealed envelope, addressed as noted above, through  
9 services provided by (Federal Express, UPS,) and billed to Levin Simes Kaiser & Gornick.

10                  Rodney Hudson, Esq.  
11                  Drinker Biddle & Reath LLP  
12                  50 Fremont Street, 20<sup>th</sup> Floor  
13                  San Francisco, CA 94105-2235  
14                  Tel: 415-591-7500  
15                  Fax: 415-591-7510  
16                  Email: KennethConour@dbr.com  
17                  Attorneys for Bayer Healthcare Pharmaceuticals Inc.

18                  Michael C. Zellers, Esq.  
19                  Mollie Benedict, Esq.  
20                  Aggie B. Lee, Esq.  
21                  Tucker Ellis & West LLP  
22                  515 S. Flower Street, 42<sup>nd</sup> Floor  
23                  Los Angeles, CA 90071  
24                  Tel: 213-430-3400  
25                  Fax: 213-430-3409  
26                  Attorneys for Bracco Diagnostics, Inc.

27                  H. Nathan James, Esq.  
28                  Seifer, Murken, Despina, James &  
29                  Teichman  
30                  2135 Lombard Street  
31                  San Francisco, CA 94123  
32                  Tel: 415-749-5900  
33                  Fax: 415-749-0344  
34                  Attorneys for Merry X-Ray Chemical Corp.

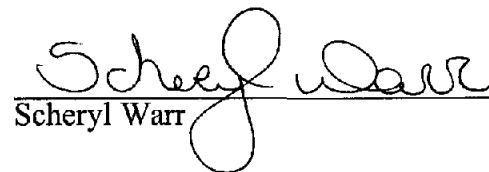
1 I provided the documents listed above electronically through the CM/ECF system pursuant to  
2 the instructions set forth in the Local Rules for the United States District Court for the Central District  
3 of California to:

4 Thomas A. Woods, Esq.  
5 Shook, Hardy & Bacon LLP  
Jamboree Center  
6 5 Park Plaza, Suite 1600  
Irvine, CA 92614-2546  
7 Tel: 949-475-1500  
Fax: 949-475-0016  
twooods@shb.com  
8 Attorneys for Defendant Malinckrodt,

9 Michael C. Zellers , Esq.  
10 Mollie Benedict, Esq.  
11 Aggie B. Lee, Esq.  
Tucker Ellis & West LLP  
12 515 S. Flower Street, 42nd Floor  
Los Angeles, CA 90071-2223  
13 Tel: 213-430-3400  
Fax: 213-430-3409  
Attorneys for Bracco Diagnostics, Inc

14 Deborah C. Prosser, Esq.  
15 Stephanie Hingle, Esq.  
Kutak Rock LLP  
16 515 South Figueroa Street, Suite 1240  
Los Angeles, CA 90071  
[dprosser@bwslaw.com](mailto:dprosser@bwslaw.com)  
[Stephanie.hingle@KutakRock.com](mailto:Stephanie.hingle@KutakRock.com)  
17 Attorneys for General Electric Company and GE Healthcare, Inc

18  
19 I declare under penalty of perjury that the foregoing is true and correct. Executed this 9<sup>th</sup> day of  
20 April 2008 at San Francisco, California.

21   
22 Scheryl Warr  
23  
24  
25  
26  
27  
28